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ABSTRACT

This guide examines a process for managing the risks to students, schools, and employers when students go into the workplace. The guide was created for the following purposes: to aid schools and employers to be better informed about the necessity and the means of protecting students from harm; to encourage more employers to provide work-based learning opportunities; and to help school districts devise risk management plans that address work-based learning and service learning. The guide is organized in three sections: (1) "Identifying and Managing Risks to Students"; (2) "Identifying and Managing Risks to School Districts"; and (3) "Identifying and Managing Risks to Employers." The third section includes state profiles of work-based learning risk management strategies. In addition, a resource section contains 31 publications and 13 organizations. (KC)

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Managing the Risks of Work-based Learning: A Resource Guide

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Introduction

Students in School-to-Work may engage in a range of activities in the workplace--from gaining career awareness by job shadowing, to learning occupational and employability skills by working in internships or youth apprenticeships. Regard for the safety of students in work-based learning is a concern of everyone involved in School-to-Work, and is mandated in the School-to-Work Opportunities Act. While employers who participate in school-to-work do not have greater legal obligations than employers who hire minors under other circumstances, the new and varied types of work experiences being developed through school-to-work will mean that many participating employers may have limited experience with minors in their workplaces. Schools also face some uncertainties when students go into the workplace as part of the school curriculum but not under the direct supervision of school personnel.

This guide examines a process for managing the risks of work-based learning to students, schools, and employers. The concepts explored also apply to schools whose students participate in service learning. The hope and expectation are that with the aid of this resource:

- schools and employers will be better informed about the necessity and the means of protecting students from harm;
- more employers will be encouraged to provide work-based learning opportunities; and
- school districts will be better able to devise risk management plans that address work-based learning and service learning.

In as much as work-based learning experiences are designed at the local level and the legal obligations and remedies involved are largely governed by state law, it is beyond the scope of this guide to prescribe the means of managing risks in any particular program. The guide is intended as an introduction to and illustration of the process of risk management. It looks at managing the risks of : injury to students, of harm caused by students in the workplace, and liability for noncompliance with laws related to the employment of minors. The guide does not cover all of the risk issues that any particular school or employer should consider. Risks that may increase with students in the workplace but that are familiar to schools and employers in the absence of work-based learning, such as liability for sexual harassment, are not discussed. Such risks should be considered in the development of local risk management plans, and students should be made aware of how to address any incidents that occur. Readers should consult their insurance company representatives or other risk management professionals for guidance on the issues that should be considered in connection with the types of activities and industries involved in a particular work-based learning program. Resources that provide additional information on risk management are listed at the end of the guide.

Risk Management

As costs related to insurance claims have increased for public and private sector entities, risk managers in both sectors have moved beyond simply insuring against risk to identifying and controlling risk. A risk management program generally includes the following elements:

- identifying the perils and hazards inherent in the entity's activities;
- estimating the frequency and severity of potential loss;
- implementing strategies to eliminate or control the potential for loss; and
- ensuring adequate resources are in place to redress loss that does occur.

The process of managing risk begins with identifying the kinds of harm that could occur in the course of an entity's activities and the conditions that make it more likely that such harm will occur. In the vernacular of risk management, the types of harm to which an organization is exposed are referred to as perils and the conditions giving rise to the harm are called hazards. A local delivery service, for example, must contend with the peril of vehicular accidents, and it does so in part by recognizing hazards that make accidents more likely to occur, such as poor road conditions or inexperienced drivers.

After identifying the types of risk an entity faces, risk managers will attempt to determine how serious the risks are. The degree of a risk is assessed in terms of the estimated frequency and severity of loss. It would not be feasible or cost effective to eliminate all risks. An assessment of the degree of risk provides some basis for deciding how much effort and money should be used to eliminate or control specific risks.

Historical loss experience is used to estimate frequency of loss where an activity has been conducted a sufficient number of times to allow for reliable predictions. It will be difficult to estimate the frequency of losses in work-based learning with any degree of certainty where schools and employers have little experience with work-based learning. Rough estimates can be constructed, however, from examining experience with field trips and vocational classes, and then allowing for any additional hazards that might be present in work-based learning. The history of accidents in specific industries and at proposed work sites should also be considered. Insurance companies collect loss history data on a variety of activities that can be useful in making these estimations.

Severity of loss is usually calculated in terms of the economic impact of a loss on an entity. Those responsible for the well-being of students and the viability of work-based learning programs will also take into account the less quantifiable consequences of injury to students or reluctance of employers to become involved in school-to-work. Occupational safety experts and insurance company risk managers can provide information on the severity of losses that could occur in particular industries and at specific work sites. Those responsible for arranging work-based learning will want to

examine proposed work sites and the activities that students will be expected to perform.

Once risks are identified and analyzed, options for dealing with them may be considered. The estimated frequency and severity of a loss would influence the option selected. Entities would likely avoid high frequency, high severity losses by deciding not to engage in the activity that presents such risks. Other options include: controlling risks by reducing or eliminating hazards; transferring risks to an insurance company or sharing them with other entities; and retaining risks by simply absorbing any loss that might occur from them.

Identifying and Managing Risks to Students

The Risks to students

There is nothing new about students in the workplace; surveys show that about 80 percent of students are employed at some time during their high school years. Data from the 1990 Census indicate that 54 percent of youths worked in the retail trades and 25 percent worked in services. Through School-to-Work, students will have the opportunity to gain work experience in varied types of jobs in a range of industries. Work-based learning will be arranged by schools and connected to classroom learning, but may not be directly supervised by school employees. Some students will work under the supervision of persons not accustomed to working with young people. So while School-to-Work offers great promise and reward to students, schools, and employers, the work-based learning component of School-to-Work also poses potential risks.

Safety

The safety of students is of primary concern. According to the National Institute for Occupational Safety and Health (NIOSH), the anatomy, physiology, and psychology of young workers may present unique risk factors for occupational injuries and illnesses. A lack of fit between machines and the physical dimensions and strength of adolescents may increase the risk of injury. In addition, a student may be assigned to a task for which he or she is emotionally or cognitively unprepared. Some students will not have adequate experience to judge their ability to complete an assignment safely.

In 1996, 70 persons under age 18 died and approximately 70,000 required treatment in hospital emergency rooms as a result of work-related injuries. While the risk of fatal occupational injuries to minors is similar to that of adults (3.5 deaths per 100,000 full-time equivalent workers for 16-17-year olds compared with about 4 deaths for young and middle-aged adults), minors are employed less frequently in hazardous jobs so the rate of fatal injuries should be lower for minors than for adults. For the leading causes of work-related death (motor-vehicle related, homicide, and machine-related), minors have rates of fatal injury similar to or slightly higher than adults.

More than one-fourth of the deaths of 16- and 17-year olds from work-related injury during the period 1990 through 1992 were motor-vehicle related. These deaths include those of workers who were drivers and passengers in motor vehicles and pedestrians involved in crashes with motor vehicles. Homicides were the second leading cause of work-related injury death for 16- and 17-year-olds from 1990 through 1992. Machine-related deaths were the third leading cause. Tractors and forklifts were the most common machines associated with youth work-related deaths. Falls, heavy lifting, and cooking are common causes of workplace injury to minors.

In one study reported by NIOSH, more than half of injured adolescents said that they had not received any training in how to prevent the injury they sustained. A supervisor was present at the time of the injury in only about 20 percent of the reported cases.

Child labor

Child labor laws are intended to prohibit the economic exploitation of children and prevent work from interfering with education, in addition to promoting the safety of young workers. There is a risk of unintentional violations of child labor laws in School-to-Work, particularly in light of the number of employers participating who have not worked with minors. The potential for the deliberate exploitation of young workers is minimal, however, given the motives of employers who participate in School-to-Work and the monitoring of work-based learning by school personnel. The law's concern with preventing work from interfering with education is not a factor in structured work-based learning. Work-based learning is designed to enhance classroom learning by reinforcing academic knowledge and highlighting the relevance of education to goals in later life.

Student Risk Management

While schools and employers will be primarily responsible for work-based learning risk management, students and parents should know and prepare for the students' work-based learning environment. Parents will want to inquire about any related risks and ensure that their children receive adequate instruction in avoiding injury.

NIOSH recommends that adolescent workers take the following steps to protect themselves:

- Be aware that you have the right to work in a safe and healthful work environment free of recognized hazards and that you have the right to refuse unsafe work tasks and conditions.
- Know that you have the right to file complaints with the U.S. Department of Labor when you feel your rights have been violated or your safety has been jeopardized.
- Remember that (students in work-based learning may be) entitled to workers' compensation in the event of work injury or illness.
- Obtain information about your rights and responsibilities as workers from school counselors and State labor departments.
- Participate in any training programs offered by your employer, or request training if none is offered.
- Recognize the potential for injury at work and seek information about safe work practices from employers and State labor departments.
- Follow safe work practices.

Identifying and Managing Risks to School Districts

The Risks to School Districts

In addition to being concerned about the well-being of students, school districts must be concerned about the potential for financial losses in the event of legal action against schools. School districts spend considerable sums each year defending against negligence claims as a result of student injuries. Most commonly, negligence suits against schools involve accidents that occur on the playground, during sporting activities, or while transporting students. Accidents may also occur during field trips and while students are engaged in classroom activities that pose hazards, such as science experiments and shop.

A claim for negligence alleges that the school failed to fulfill its legal duty to act with care in relation to a student, and that the failure to exercise due care was the cause of injury to the student. Courts will first ask whether the school owed a duty of care to the student under the circumstances and, if so, will consider whether the school's actions satisfied that duty.

Schools clearly owe a duty of care to students in attendance at school. That duty does not, however, require schools to watch every child at all times or to prevent all injuries. While the standard of care varies somewhat from state to state, in general, schools are required to exercise the degree of care reasonably necessary to avoid foreseeable harm. A higher standard of care may be imposed when students are engaged in potentially harmful activities. Students in shop classes, for example, must be provided with proper instruction, warnings, and supervision.

Schools also have a duty to students engaged in off-site activities when the school assumes and exercises control of those activities. For example, where off-site activities consist of school field trips or classes taught by instructors employed by the school, the school owes a duty of care to the students and would be liable for injuries resulting from a failure to properly supervise students.

The question of the school's duty is more complicated with respect to students engaged in extracurricular activities off of school premises. In general, schools will be found to have a duty to students engaged in extracurricular activities off of school premises only where the activities are school-sponsored and sufficiently school-directed so as to involve a school-pupil relationship.

Students participating in service learning and School-to-Work will be engaged in off-site activities as part of their school curriculum. Schools will exercise varying degrees of control over students' work-based learning or service activities, but in general, school personnel will not be able to directly supervise students working off of school premises. Some students will engage in potentially hazardous activity or come into contact with potentially hazardous instruments during work-based learning. While the case law provides useful principles that can be applied, there is little specific guidance as to how far the school's duty of care will extend. Where schools do have a duty to students at community service sites and in work-based learning, that duty may generally be satisfied by taking the steps reasonably necessary to avoid foreseeable harm.

School District Risk Management

The first step in risk management for school districts is to know what is required of school districts and school employees under the law. Under early court decisions that adopted principles of English law, states and the political subdivisions of states could not be sued for negligence. This legal doctrine was called "sovereign immunity." The doctrine of sovereign immunity has been limited in all states by state constitutions, court decisions, or legislation. State Tort Claims Acts may waive sovereign immunity or permit negligence claims to be filed under certain circumstances. In addition, the state education code may limit the extent to which school personnel can be held personally liable for negligence. State education codes also may require schools to take certain safety measures in connection with the transportation of students or other school-related activities.

Policies, procedures, and plans

Many school districts adopt risk management plans that set out policies and procedures regarding specific school activities and the maintenance of school property. The inclusion in such plans of policies regarding service and work-based learning can reduce the incidence and severity of injuries and provide evidence that the school exercises reasonable care toward students in the conduct of such activities. Policy topics might include: the nature of volunteer or workplace activities appropriate for different grade levels; safety training for students and teachers; screening of work sites; responsibility for supervision in the workplace or service project; monitoring activities in the workplace or the service project; transportation to and from the placement; and insurance.

The Greater New York Hospital Foundation's Walks of Life serves as an intermediary to develop service learning opportunities at four New York City schools. Students from the fifth through the tenth grades serve during and after class in a variety of settings including: continuing care facilities, public schools, community-based organizations, and libraries. Administrators take several steps to protect the well-being of students in service learning and to prevent claims against the school district related to the students' service. They arrange service learning only with organizations that they know and trust. Representatives from Walks of Life meet with organization members to review and approve the nature of service learning projects and proposed student duties. They have determined that, because service learning is a school-related activity, school district insurance coverage would protect the district in the event of a claim arising out of an injury to a student in service learning. In addition, parents are asked to sign forms authorizing their child's participation in service learning.

Iowa schools use a Risk Assessment Checklist to rate risk management programs of prospective work-based learning employers. A score is assigned to employers for: management practices, employee involvement in safety, safety training, exposures, protective measures, injury reporting, and inspections. Company risk management practices may receive a rating of excellent, good, fair, or poor. Work site placements are recommended only with companies that rate as good or excellent.

Insurance

Resources should be available to cover losses from unanticipated risks or risks that would be too costly to eliminate. Financial loss to the school district is often covered by commercially available insurance, though increasingly districts are self-insuring and forming insurance pools. Liability insurance will generally protect the district against claims for injury resulting from negligence or imposed by statute or contract. Districts may decide to retain the risk of loss rather than transferring it to an insurance company by self-insuring out of operating funds. School districts that are not comfortable retaining all risk may form insurance pools through which they share risk among themselves.

In Michigan, 24 urban school districts participate in the Middle Cities Risk Management Trust. Premium costs are allocated among schools based on enrollment, property value, number of vehicles operated, and history of loss. In addition to insuring against loss, the Trust provides member school districts with risk management assistance that includes a video and handbook for training school personnel in playground safety.

Illinois School District Agency (ISDA) provides property/casualty coverage to more than 160 school districts across Illinois. In addition to receiving competitively priced insurance coverage, ISDA members receive specialized loss control services and access to low-cost property appraisals. The ISDA program was designed for Illinois school districts by the school districts. Each pool is controlled by a board that is composed of district administrators, school board members, and business officials.

States or school districts may also make insurance coverage available to students. Student accident insurance is generally purchased by parents or schools to insure individual students against the costs of injuries sustained during school activities.

Under New Hampshire's Work-Based Learning Student Accident Insurance Program, students participating in non-paid work-based learning are insured against loss for injuries that might occur in or on route to the workplace. School districts apply for the coverage on behalf of student participants through the New Hampshire School Boards Insurance Trust. Work sites identified in the application are screened by the State Department of Labor for accident history and compliance with safety and labor laws.

Table 1, below, summarizes the school district work-based learning risk management process. The table is intended as a general guide to the process. Decisions about the nature and degree of risks in specific work-based learning programs and the appropriate strategies to address them should be made at the state and local levels. Table 1 is followed by a profile of work-based learning risk management at Vermont's Blue Mountain Union School.

TABLE 1 SCHOOL DISTRICT RISK MANAGEMENT				
Activity	**Perils**	**Hazards**	**Degree of Risk**	**Strategies**
group site visits	injury to student	lack of supervision; impulsive behavior	low	pre-visit instruction; supervision by school personnel
individual job shadowing	injury to student	lack of supervision; lack of understanding of work environment	low	pre-visit instruction obtain assurances from employer that student will be properly supervised by specified individual
unpaid work experience	injury to student	lack of supervision; lack of understanding of work environment; conditions or instrumentalities in work environment	medium to high depending on work environment	safety training; employer assurances that student will be properly supervised and that supervisor has been trained to provide supervision; training agreement; monitoring of work site activities; student accident insurance; school district liability insurance
paid work experience	injury to student	lack of supervision; lack of understanding of work environment; conditions or instrumentalities in work environment	medium to high depending on work environment	safety training; employer assurances that student will be properly supervised and that supervisor has been trained to provide supervision; training agreement signed by student, employer, and school; monitoring of work site activities; student accident insurance; liability insurance
transporting students to and from work site	injury to student	careless driving; improperly maintained vehicle; road or weather conditions	low if school transports; medium if student drives	school transports groups of students to work site in vans; student accident insurance; school liability insurance

Profile of Risk Management at Blue Mountain Union School (Vermont)

I. Risk Analysis and Planning

In the process of implementing a School-to-Work (STW) program at Blue Mountain Union School (BMU), a rural pre-K through 12th-grade school in Wells River, Vermont, the STW coordinator, June Van Houten, came across many insurance and liability issues that were barriers to placing students in work-based learning activities. With the support of the School Superintendent, Ms. Van Houten met with Vermont's STW Grants Manager, a Co-operative Education Coordinator, and a local insurance agent to address risk management issues. The objectives were: to make sure the school had all of the insurances needed before placing students in work-based learning activities; and to develop comprehensive protocols, checklists, and forms to be used to document that all of the proper steps are taken and information collected before students are placed at work sites.

II. Reducing Hazards

Protocols, checklists, and forms have been developed and are being used when placing students in job shadows and unpaid work-based learning experiences.

Information on child labor laws is made available to employers involved in STW activities.

Work sites are screened before students are placed. Safety rules, equipment, procedures, and concerns specific to each work site are reviewed with the employer and student.

Student appropriateness for the site is assessed.

Documentation that the student and the school have the proper insurance in place before the student goes to the work site is completed.

Documentation of parental permission, transportation agreements, and other forms are completed.

III. Making Resources Available to Redress Injury

After working with insurance professionals to help them become familiar with STW, the STW coordinator was able to obtain assurances that the school's liability insurance would cover STW activities. All STW activities are covered, including those that are not during traditional school hours, not on school grounds, and not directly supervised by a school employee. The policy has a garage exclusion and a medical payment exclusion. It provides secondary automotive liability insurance for staff while transporting students. The policy covers the liability of teachers and employees of the school. It does not cover students' liability. If a student caused harm at a work site, they would not be covered by the school's general liability policy. A rider to cover students is not available from the insurance carrier.

The Superintendent and the School Board purchased a catastrophic accident insurance policy that covers grade K through 12 students involved in STW as well as athletic and general school activities. The school has made a commitment to pick up the cost of the policy in full next year. The school also purchased 2 slots that provide basic accident coverage for students while engaged in work-based learning activities. The total cost of obtaining all of the insurance needed was under $7OO.

If a student is placed in a paid position, the employer would be required to carry workers' compensation insurance that would cover the student.

IV. Contact Information

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Identifying and Managing Risks to Employers

The Risks to Employers

Employers have potential liability: (1) for injury to students; (2) for actions by students that cause injury; and (3) for noncompliance with labor and employment laws as they pertain to minors.

Injury to students

Occupational safety and child labor laws are concerned with health and safety in the workplace. Occupational safety laws regulate conditions in the workplace, and child labor laws prohibit minors from engaging in certain activities in the workplace. (See *School-to-Work and Employer Liability: A Resource Guide*, for a discussion of child labor law requirements.) Under the Occupational Safety and Health Act (the Act), employers have a general duty to "furnish to each of his [or her] employees, employment and a place of employment which are free from recognized hazards," as well as an obligation to comply with standards related to specific industries, conditions, and practices. The term "employer" is broadly defined and effectively includes all private sector entities that have employees. (The Act contains separate provisions that govern federal agency safety programs.) Liability under the Act may occur when an employee is injured as a result of a violation of the general duty or the standards. Persons who are hired by the employer to perform services (other than independent contractors) are considered employees under case law interpreting the Act.

The Occupational Safety and Health Administration (OSHA) can authorize states to operate their own job safety and health programs. States must set job safety and health standards that are "at least as effective as" comparable federal standards. Most states adopt standards identical to federal ones. States that are authorized by OSHA to enforce their own occupational safety and health laws may define "employee" more broadly than under the federal Act. While the federal Act does not apply to state and local employees or volunteers, state plans cover state and local employees, and a few cover some volunteers such as volunteer fire-fighters.

State workers' compensation laws protect employees by providing prompt and predictable compensation for injuries, and they protect employers by prohibiting lawsuits against employers who carry insurance. The definition of "employee" for purposes of workers' compensation coverage is governed by state workers' compensation statutes. Some states exempt employees of small businesses and workers in certain industries or occupations from coverage.

Students engaging in work activities who are not required to be paid under child labor laws may not be treated as employees for purposes of workers' compensation. To date, only a few states have expanded the definition of "employee" under workers' compensation law to include unpaid students in work-based learning. In the event of an injury to a student who is performing work activities but is not covered by workers' compensation (or to a student visiting the work site), the employer could be subject to legal action.

Actions by students that cause injury

Under the legal doctrine of "respondeat superior," employers may have *vicarious* liability for injury to third parties caused by the negligent or intentional acts of employees who are acting within the scope of their employment. State courts define "within the scope of employment" differently, but in general, it includes activity of the same general nature as, or incidental to, an employee's duties.

In some states, employers may be *directly* liable to injured parties if the employer is found to have been negligent in hiring or retaining an employee who causes injury to others. The employer may be found negligent if the employer knew or should have known that the employee who caused the injury was dangerous or otherwise unfit to perform the job. Such negligence usually involves employers who unreasonably hire or retain persons with a criminal record.

Employers have also been found liable for negligent supervision of employees who cause injury. The failure to instruct employees as to the method of performing work or to take steps to ensure that employees follow instructions can result in liability where an employer knew or had reason to know that injury could result from the work performed.

Noncompliance with labor and employment laws

Each law defines the persons or entities covered by its provisions. Different employment laws define "employee" differently, based in part on the law's objective. In order to comply with federal and state laws, employers will have to determine the employee status of students (and teachers participating in workplace "externships") under specific laws, including: whether students are employees or trainees for purposes of labor laws; whether or not student employees qualify under child labor law for student-learner or apprentice exemptions; whether unpaid students are deemed "employees" under state workers' compensation laws; whether students are covered by occupational safety laws; and whether students' wages are exempt from unemployment tax requirements under federal and state unemployment tax laws. Employers not accustomed to having students in their workplaces may need assistance in making these determinations in order to avoid being subject to penalties for violations. Charitable organizations will have to ensure that students in service learning are properly deemed "volunteers" under labor laws.

Employer Risk Management

Workplace safety

For employers, managing the risks associated with work-based learning involves a familiar process: identify and analyze the risks; take steps to prevent loss; and ensure that resources are available to redress injury or liability.

OSHA has issued voluntary Safety and Health Program Management Guidelines for the "systematic identification, evaluation, and prevention or control" of workplace hazards. The guidelines, set out

in volume 54 of the Federal Register beginning at page 3904, are broadly applicable to general industry regardless of the size, nature, or complexity of operations. The guidelines reflect the safety and health management practices used by employers who have been recognized through OSHA's Voluntary Protection Programs (VPP) as having exemplary safety and health management. Studies conducted under VPP since 1982 have shown a relationship between the management of worker safety and a low incidence and severity of employee injuries. These studies have also shown occupational safety and health management to be cost effective.

Under OSHA's Safety and Health Program Management Guidelines, an effective occupational safety and health program will include the following elements:

- management commitment and employee involvement;
- work site examinations to identify existing hazards as well as conditions and operations in which changes might occur to create hazards;
- hazard prevention and control; and
- safety and health training.

Safety training should ensure that all employees understand the hazards to which they may be exposed and how to prevent harm to themselves and others from such exposure. According to OSHA guidelines, the objectives of such training include that:

(I) employees will accept and follow established safety and health protections;

(ii) supervisors will carry out their safety and health responsibilities effectively including:

- analyzing the work under their supervision to identify unrecognized potential hazards,
- maintaining physical protections in their work areas,
- reinforcing employee training on the nature of potential hazards in their work and on needed protective measures, through continual performance feedback and, if necessary, through enforcement of safe work practices; and

(iii) managers will understand their safety and health responsibilities.

Training in safety and health protection is particularly important for employees who are assuming new duties. Injury rates are disproportionately high among workers newly assigned to tasks, and a substantial number of these injuries have been found to be related to inadequate knowledge of job hazards and safe work practices.

The content of training will depend on the complexity of the work and the nature of the hazards at the site. OSHA recommends that workplace training include: (1) the general hazards and safety rules of the work site; (2) specific hazards, safety rules, and practices related to particular work assignments; and (3) the employee's role in emergency situations. Such information is particularly important with respect to hazards that may not be readily apparent to, or within the ordinary experience and knowledge of, the employee.

Safety training is often most effective when incorporated into job performance training. Safe work practices can become an integral part of job performance when safety issues are included in job performance assessments or occupational skill standards. OSHA guidelines emphasize the need to verify that hazard information and the necessary elements of a safety and health program are understood by the people who must deal with them. This can be done by formal testing, oral questioning, observations, or other means.

OSHA also assists employers in identifying and remedying potential workplace hazards through its Consultation Service. Consultation services are delivered by state government Consultation Service offices funded in part by OSHA. (Information on the location of Consultation Service offices in each state can be obtained from OSHA's Office of Federal-State Operations listed in the Resources section of this guide.) The consultation program is separate from the OSHA inspection process. Violations are generally not reported and citations are not issued, though employers do agree to correct any serious job safety and health hazards discovered. Businesses may request a complete review of safety and health factors or limit the request to one or more specific problems. A comprehensive consultation includes: (1) appraisal of all mechanical and environmental hazards and physical work practices; (2) appraisal of the present job safety and health program or establishment of one; (3) a conference with management on findings; (4) a written report of recommendations and agreements; and (5) training and assistance with implementing recommendations.

Supervision

As noted above, employers have a duty under the law to properly supervise employees in the conduct of activities that pose a foreseeable risk of injury. Training agreements entered into between employers, schools, and students may also require the employer to assume responsibility for supervising student work.

Maine's Center for Career Development offers Work Site Supervisor Training to company personnel involved in Maine's youth apprenticeship program. Work site supervisors are taught how to instruct students in job performance and in safe work practices. Supervisors provide each student who enters the program with a checklist of safety issues, and students must demonstrate a knowledge of safety issues to potential employers during job interviews. Safe work practices are included in assessment tools that work site supervisors use to evaluate students' work. This encourages both supervisors and students to be attentive to safety during the course of job performance. Safety practices are also identified in the duty and task lists developed in connection with the Center's industry skill standards and curriculum materials.

Insurance

Workers' compensation insurance will cover medical expenses and lost income for employees injured on the job. Several states have amended workers' compensation laws to provide that unpaid students in work-based learning are considered "employees" for purposes of workers' compensation. Under some of these laws, insurance coverage for unpaid students will be paid for by the state or school district. At least one state, Hawaii, will pick up the cost for workers' compensation insurance for all students in work-based learning, paid and unpaid. Student workers who are not covered by workers' compensation insurance and visitors to the work site (such as students participating in job shadowing) are protected by the legal duty of business owners to keep their premises reasonably safe from hazards. Businesses may be sued for negligence if an uninsured student is injured as a result of an unsafe condition. A comprehensive general liability insurance policy generally covers the costs of defending against and satisfying claims for injury to persons on the employer's premises. Employers who provide work-based learning opportunities might want to discuss the nature and extent of their liability coverage with their insurance carrier.

Labor law compliance issues

a) Determining employee status under the Fair Labor Standards Act

Work performed by students in work-based learning may constitute employment subject to the Fair Labor Standards Act (FLSA) or training that is not subject to the FLSA. The U.S. Department of Labor Wage and Hour Division established criteria based on U.S. Supreme Court interpretations of the FLSA for determining whether work is employment or training. In general, persons performing work will be deemed to be trainees not covered by the FLSA if all of the following criteria are met:

- the training, even though it includes actual operation of the facilities of the employer, is similar to that which would be given in a vocational school;
- the training is for the benefit of the trainees or students;
- the trainees or students do not displace regular employees, but work under their close observation;
- the employer that provides the training derives no immediate advantage from the activities of the trainees or students; and on occasion his operations may actually be impeded;
- the trainees or students are not necessarily *entitled* to a job at the conclusion of the learning experience (though employers may offer jobs to students who complete training); and
- the employer and the trainees or students understand that the trainees or students are not entitled to wages or other compensation for the time spent in training (though a

stipend may be paid for expenses).

In the event that any one of these criteria is absent, the work performed by the student (or the teacher intern) will likely constitute employment subject to the provisions of the FLSA. Someone who initially qualifies as a trainee may not continue to do so as he/she gains experience that is useful to the employer. Employers should consider the amount of training that is required before a student can be productive. It is advisable to monitor any advantages derived from the student's work so that the student can be reclassified as an employee when circumstances warrant. For further information on determining whether a worker is a trainee or employee under federal labor law, refer to two U.S. Department of Labor publications: *Employment Relationship Under the Fair Labor Standards Act*, and *Unpaid School Work Experience Under the Fair Labor Standards Act* .

b) Determining student-learner status

Under the FLSA, employers may not allow minors to perform work that has been determined to be hazardous by the U.S. Secretary of Labor. The Secretary's Hazardous Occupation Orders (HOs) are published in volume 29, part 570 of the U.S. Code of Federal Regulations. Student-learners aged 16 or 17 enrolled in cooperative vocational training programs may be employed in seven of the HOs if they are employed under a written agreement that meets the conditions listed in the regulation. (See *School-to-work and Employer Liability: A Resource Guide* for a discussion and listing of Hazardous Orders.) Under the regulation, a student-learner agreement must provide: (1) any work in a hazardous occupation is incidental to training; (2) work in the hazardous activity is intermittent and for short periods only, and is under the direct and close supervision of a qualified person; (3) safety instruction; and (4) a schedule of progressive work processes. There is also an exemption from the seven HOs for apprentices. This exemption applies *only* to apprenticeships registered with the U.S. Department of Labor's Bureau of Apprenticeship and Training or with a state apprenticeship council. Employers may obtain advice from the U.S. Department of Labor Wage and Hour Administrator as to whether the conditions under which a student is initially employed meet the student-learner criteria.

c) Volunteers

Individuals may serve as volunteers for public service, religious, or humanitarian purposes. Commercial businesses may not use unpaid volunteers. Students will be considered to be volunteers within the meaning of the FLSA if the intent is to donate their services to religious, charitable, government, or nonprofit organizations for the public good. Employees of such entities may participate in volunteer activities for their employer, but may not perform any activity directly related to their job for the entity on a volunteer basis.

Unemployment Tax

The Federal Unemployment Tax Act (FUTA) determines which employers and what payments are subject to the federal unemployment tax. State laws define "employer" and "employment" for purposes of the state unemployment tax. FUTA and most state laws apply to employers with a minimum payroll of $1500 and one or more employees working during a quarterly period. Services performed by students in a program that combines academic instruction with work experience are excepted from the definition of employment under FUTA section 3306(c)(10)(C) and most state laws. In order to claim the exception, an employer must receive certification from the nonprofit or public educational institution in which the student is enrolled that the services are an integral part of the student's education. The exception does not apply if the program was established for an employer or group of employers.

Examples of employer risk management issues and possible strategies related to work-based learning are provided in Table 2. A profile of employer risk management at Nichols Portland in Portland, Maine follows Table 2.

TABLE 2 EMPLOYER RISK MANAGEMENT			
Nature of Risk	**Strategies for Controlling Risk**		
	Student Visiting	Student Performing Work	
		As Trainee (unpaid) or Volunteer	As Employee (paid)
Injury to student	business liability insurance	safety and health management; supervision of workplace activities; liability insurance, or, if required by state law, workers' compensation insurance	safety and health management; compliance with hazardous occupations orders; supervision of workplace activities; workers' compensation insurance
Actions by student that cause injury	business liability insurance (workers' compensation if injured party is an employee)	supervision; liability insurance (workers' compensation if injured party is an employee)	supervision; business liability insurance (workers' compensation if injured party is an employee)
Labor law compliance	not applicable	FLSA not applicable if trainee or volunteer criteria are met; determine student status under state child labor law	compliance with FLSA and state child labor laws
Occupational safety law compliance	not applicable	determine if student is "employee" under any state occupational safety law	compliance with federal or state occupational safety law
Federal Unemployment Tax	not applicable	not applicable	pay unless certification obtained from school

Profile of Risk Management at Nichols Portland

Nichols Portland is a precision manufacturing company with 500 employees in Portland, Maine.

I. Safety and Health Management

Nichols Portland takes safety very seriously. The company starts with general safety training in student orientation and provides job-specific training in safe practices. They require students (and all employees) to wear safety eyewear, footwear, and hearing protection. Employees do a series of exercises every two hours to avoid repetitive motion injury. Any maintenance work order that poses potential safety risks is treated with special care.

II. Supervision

The employees at Nichols Portland who supervise students are trained to provide supervision to young workers at Maine's Center for Career Development. Supervisors work closely with students, providing constant supervision while students are still new at a particular job. Students with the same knowledge level are supervised in a group by a skilled employee. As students become more adept at a job, they continue to receive frequent progress checks and oversight.

Students work in an area set aside for them so that they can be closely supervised. They enter other areas and use other equipment as needed. Despite having created a separate work area for students, Nichols Portland makes sure that the students have opportunities to interact with adult employees.

III. Resources to Redress Injury

Students are covered by workers' compensation insurance obtained by Maine Career Advantage. (See the Maine Career Advantage profile on page 26 for details.)

The company maintains business liability insurance to cover losses that might occur from injury caused by students. No such injuries have occurred, however.

IV. Compliance With Child Labor and Employment Laws

A lack of familiarity with employment and labor laws was initially considered a barrier to employing students. Maine Career Advantage helps address that barrier by serving as the employer of record for purposes of managing wages, deductions, and insurance for students. Students are considered employees rather than trainees for purposes of the Fair Labor Standards Act. Some students qualify as student-learners who are exempt from some Hazardous Orders.

Contact: Patrick Connell, Nichols Portland, 2400 Congress Street, Portland, ME 04102, (207) 774-6121, ext. 9048, fax (207) 774-3601.

State Profiles of Work-based Learning
Risk Management Strategies

Several states are engaged in efforts to help school districts and employers recognize and manage the risks associated with work-based learning. Some have created work groups to identify and analyze risks and plan strategies to reduce risks. Activities designed to prevent injury or liability include:

- production and dissemination of materials on child labor law and occupational safety;
- training or workshops for employers and other School-to-Work partners in legal and safety issues related to work-based learning;
- inspecting or otherwise screening work sites where students will be placed in work-based learning, including observing the tasks they will be performing; and
- developing a safety curriculum for students in the classroom and/or the workplace.

States have also identified ways to make resources available to work-based learning participants to compensate for any financial losses resulting from injury or liability. Such resources might include workers' compensation insurance coverage for students in work-based learning, student accident insurance, supplemental liability insurance, or other means.

Profiles of risk management related to work-based learning in Vermont, Oklahoma, and Maine are provided on pages 22 through 27.

Managing Risks Related to Work-based Learning in Vermont

I. Risk Analysis and Planning

Vermont initiated a Risk Management Committee during the first year of its School-to-Work (SAW) implementation grant. The Committee consists of Vermont's Director of Risk Management and the Director of Workers Compensation, Department of Employment and Training representatives, selected regional coordinators, a regional economic development executive director, an insurance agent, Department of Education and vocational center representatives, and an individual with experience in job training programs. The Committee did an initial risk analysis of SAW activities throughout Vermont schools, prioritized needs, estimated levels and types of risks associated with paid and unpaid SAW activities, defined and implemented solutions.

II. Reducing Hazards

A. The Committee determined that there was a great deal of misinformation among SAW partners and there were minimal applicable insurance programs regarding safety and well-being of students and community partners. In response to this critical and immediate need, the Committee developed and distributed to school boards, superintendents, principals, business managers, SAW coordinators, and employers Vermont School-to-Work Initiative: Questions & Answers Regarding School-to-Work Risk Management, dated May 1996, and "Vermont's School-to-Work Risk Management Guide," dated January 1997.

B. The Committee encouraged and has seen the development and modification of insurance lines to meet the unique needs of SAW students, parents, schools, and community partners.

C. To encourage proactive risk management, the Committee promoted the development of training programs for SAW partners at the local school level and the development of protocols and checklists. Two training programs were successfully initiated and extensive work continues on protocols and checklists. Additional "train-the-trainer" sessions are planned.

D. Training sessions covered insurance, child labor laws including the Fair Labor Standards Act, and other work-based learning topics such as supervision, evaluation, and curriculum.

E. Vermont is producing a work-based learning manual. One chapter will be devoted to legal issues surrounding SAW activities. These issues include all the areas mentioned in section II. D. and more. SAW partners will have extensive training in the use of this manual.

F. The Vermont Legislature is considering a bill that would amend the state's Workers' Compensation Statute to allow educational institutions to become the "employer of record." As currently proposed, this would be allowed for paid, as well as unpaid, work-based/community service opportunities. (In late 1996, Vermont's Supreme Court determined that in cases where an employee of an organization was placed at a "host employer's" place of business and the organization

carried Workers' Compensation insurance, the "host employer" would benefit from immunity from litigation in Workers' Compensation claims.) A companion piece to the proposed Workers' Compensation Statute amendment would include a certification process. This would require schools to prove: that the off-campus SAW activity is related to the student's academic program (for credit or not for credit); that the site follows basic safety procedures; and that adequate supervision of students by school and host employer personnel is provided.

G. It has been determined by the State's Director of Unemployment Insurance that when a student is participating in a paid work-based learning opportunity that is part of his/her academic program, the employer is not required to pay state unemployment insurance taxes for that student.

H. The state is currently evaluating the certification process required of cooperative education coordinators. This process provides coordinators with information on child labor laws including the Fair Labor Standards Act. The state is considering this certification requirement and how it might apply to other educational personnel involved with the work placement of students.

III. Making Resources Available to Redress Injury

A. Vermont's schools have available a variety of student accident programs that provide one to five million dollars of excess accidental medical expense benefits plus adjustment benefits. These programs provide coverage for all students involved with non-paid work-based learning, both under and not under the direct supervision of school employees and/or volunteers. Schools also have a variety of basic accident insurance programs available that usually "top out" at $25,000. These programs are frequently voluntary, however, and many students choose not to participate.

B. Vermont's schools have been made aware of liability issues and possible problems and solutions. Schools need to contact their existing general liability insurance carrier to ensure that various work-based learning experiences and student participants are covered. Some policies exclude off campus activities and/or activities outside normal school hours. Schools having students participate in allied health service activities need to either purchase back their general liability malpractice exclusion or purchase allied health service professional liability insurance. State law requires schools to provide secondary non-owned auto liability insurance for employees and volunteers. However, an individual's personal auto insurance is primary.

IV. Contact Information

Greg P. Voorheis, SAW Grant Manager
Department of Employment & Training, Box 488
Montpelier, VT 05601
Phone: (802) 828-4343, Fax: (802) 828-4374

Managing Risks Related to Work-based Learning in Oklahoma

I. Risk Analysis and Planning

In February of 1994, 13 School-to-Work Technical Committees were convened to serve as the system-building foundation for Oklahoma's School-to-Work (SAW) effort. Among the committees was the Legal and Labor Issues Technical Committee charged with identifying and responding to legal barriers to implementation and labor laws and regulations that might have an impact on implementation. The Committee included in its membership:

- The Chief of Staff of the State Labor Department
- Managing Attorney for the State Workers' Compensation Insurance Fund
- Assistant General Counsel of the Oklahoma Insurance Department
- Rate Analyst from the Oklahoma Insurance Department
- Assistant Attorney General
- Representative from the U.S. Department of Labor Bureau of Apprenticeship and Training
- Representatives of Organized Labor
- Assistant District Director of the U.S. Department of Labor Wage and Hour Division
- State Equity Coordinator
- Two Joint Apprenticeship Program Coordinators
- Director of the State Department of Labor Wage and Hour Division
- Chief of Employment Service Programs at the State Employment Security Commission

The Committee identified a need for SAW practitioners to develop the capability to deal with the complex issues surrounding the potential for injury to student participants.

II. Reducing Hazards

A. Committee members and other subject matter experts were assembled to develop the *Legal and Labor Considerations* module, one of a series of 15 practitioner guides entitled *Implementing a Local School-to-Work Partnership.* The Oklahoma Department of Labor and the Oklahoma Department of Vocational and Technical Education jointly published *Occupational Safety and Health Program* which was intended to serve as a guide to employers in the development of a strategic plan for safety. The Oklahoma School-to-Work Office also produced a *Job Shadow Guide,* and has disseminated NIOSH's *Preventing Deaths and Injuries of Adolescent Workers* and the U.S. Department of Labor's Work Safe This Summer and Beyond: *An Employer's Guide to Teen Worker Safety.*

B. The Oklahoma School-to-Work Office provides an on-going program of training and workshops for employers and practitioners. The SAW professional development calendar offers three workshops that contain risk management material: Developing Business and Industry Partnerships 2525and Teacher Internships; Legal and Labor Issues; and Developing Mentoring Programs for Job Shadowing and Other Work-Based Learning.

C. House Bill 1447 (effective January 1, 1994) provided funding through the Oklahoma Department of Vocational and Technical Education to provide occupational safety and health assistance, education, and training for employers in cooperation with the State Department of Labor.

D. Local SAW partnerships and individual employers can obtain safety and health management training and related services statewide. A network of 54 area vocational-technical schools serves 72 of 77 counties in the state. Eight of the schools have developed Safety Centers that serve as regional curriculum and assistance resources in the state's industrial centers. In 1997, 257,000 contact hours were provided to 75,000 students from 784 employers.

III. Making Resources Available to Redress Injury

The Oklahoma School-to-Work Office encourages local partnerships to find the right combination of support for potential injuries/liabilities, given the minuscule rate of injuries in non-employment activities and the mandatory workers' compensation coverage for those who are employed. This frequently means offering or requiring limited medical policies for those students not covered by a comprehensive family medical plan, or working with organizations such as Junior Achievement that provide liability coverage for volunteers. The Oklahoma School-to-Work Office monitors developments in this area, but to date, has not seen a compelling need to provide subsidies or other accommodations for employers whose risk associated with non-employee work-based learning students is not substantially different from that related to other visitors to their workplaces.

IV. Other Actions

The Oklahoma School-to-Work Office maintains contact with safety and health, insurance, and other practitioners to insure a continuing flow of information about risk insurance and liability issues. Discussions are currently underway with the state's human resource management organizations to work on an implementation package for human resource professionals who are often the key employer officials in dealing with both workforce and risk management issues.

V. Contact Information

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Oklahoma School-to-Work Office
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(405) 743-5597
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nathan_powell@okvotech.org

Managing Risks Related to Work-based Learning in Maine

Maine Career Advantage (MCA) is a statewide program that provides both career and summer internship opportunities. Health and safety issues are addressed similarly in both programs, although the intensity of training varies based on the duration and conditions of the internship. Career internships are two years in duration and include at least a year at one of the State's seven Technical Colleges where interns earn credit toward an associate degree. Interns receive a stipend during their training in one of over 20 occupational cluster areas. Summer internships last for approximately eight weeks and are more general in nature.

I. Risk Analysis and Planning

Like all good risk management programs, MCA's is a work in progress, always attempting to address new needs and changing conditions. Program staff were actively involved in a statewide work group looking at health and safety issues, and they assisted in the development of a curriculum for use in grades K-12. Program staff were also recently certified to provide 10-hour OSHA certified training programs and are reviewing how best to introduce this as an offering to interns. Each of the program's occupational standards addresses general and industry specific health and safety issues. Standards are designed and validated by practitioners in both business and education.

II. Reducing Hazards

All interns receive child labor, occupational health and safety, and other relevant employment standards information as a part of their required orientation activities. More specific orientation and training are provided at the training site as required by regulation or company policy and as appropriate, given the interns' experience. Potential hazards and a training site's safety attitude are important factors in the recruitment of participating businesses. Sponsoring businesses are required to have supervisors attend MCA training, which includes sessions on occupational health and safety and workers' compensation issues. General and industry specific occupational health and safety concerns are addressed in each of the more than 20 individual industry standards documents. The program has not sought to change existing state law, preferring instead to provide realistic and safe examples of the workplace experience.

III. Making Resources Available to Redress Injury

MCA is a 501(c)3 and 509(a)3 corporation and is the employer of the interns. As the employer, MCA provides workers' compensation coverage for interns. Program staff work with the carrier to provide risk management analysis and services. As an example, MCA is currently working to provide accident investigation and training to field staff. When injuries occur, appropriate medical care and notification are the primary concern. If appropriate, modified training will be arranged to facilitate a quick and appropriate return to the training site. MCA also provides a commercial general liability policy.

IV. Other Actions

Sponsoring sites are encouraged to treat interns similarly to existing employees in relation to health and safety training. Processes to better review and act on the program's experience are being developed. A questionnaire conducted by new interns of training site supervisors helped to set a positive tone regarding health and safety as well as identify areas of additional training and orientation.

MCA set up a 501© (3) according to the Internal Revenue code. The 501© (3) entity qualifies as a 509 (a) (3) organization that exclusively supports secondary and post-secondary education. This entity was created to accomplish several things related to students in the program, including to receive an exemption of wages from FUTA, the State Unemployment Tax Act, the Federal Insurance Contributions Act, and retirement; and to obtain a separate workers' compensation employer code.

V. Contact Information

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Research & Curriculum
Center for Career Development
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Susan Brown, Director
Maine Career Advantage
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Resources

States, local partnerships, school districts, and employers that would like to develop risk management plans or simply learn more about these issues will find information on risk management, insurance, and occupational safety and health from the following publications and organizations. For information on occupational safety and health standards, contact OSHA's Office of Information and Consumer Affairs at the number below and ask for the OSHA office or state occupational safety office in your state. OSHA Fact Sheets and other publications can be obtained through the OSHA Publications Office or the Government Printing Office listed below.

Publications

Dunklee, Dennis R. *A Primer for School Risk Management: Creating and Maintaining District and Site-based Liability Prevention Programs.* Boston, MA: Allyn and Bacon, 1993.

Education Development Center, Inc. *Protecting Working Teens: A Public Health Resource Guide.* Newton, MA: Education Development Center, Inc., 1995.

Hampton, John J. *Essentials of Risk Management and Insurance.* New York: AMACOM, 1993.

Iowa Department of Economic Development School-to-Work Office. *School-to-Work Risk Management Program: Procedures and Practices Manual.* Des Moines, IA: Iowa Department of Economic Development, 1998.

Massachusetts Office of School-to-Work Transition. *Students in the Workplace: An Insurance and Liability Reference Guide.* Boston, MA: Massachusetts Office of School-to-Work Transition, October 1996.

Minor, Jacqueline K. and Vern B. Minor. *Risk Management in Schools: A Guide to Minimizing Liability.* Newbury Park, CA: Corwin Press Inc., 1991.

National Institute for Occupational Safety and Health. *Are You a Working Teen? What You Should Know About Safety and Health On the Job.* DHHS (NIOSH) Publication No. 97-132. Cincinnati, OH: National Institute for Occupational Safety and Health, 1997.

National Institute for Occupational Safety and Health. *Preventing Deaths and Injuries of Adolescent Workers.* DHHS (NIOSH) Publication No. 95-125. Cincinnati, OH: National Institute for Occupational Safety and Health, May1995.

National Institute for Occupational Safety and Health. *Special Hazard Review: Child Labor Research Needs: Recommendations From the NIOSH Child Labor Working Team.* DHHS (NIOSH) Publication No. 97-143. Cincinnati, OH: National Institute for Occupational Safety and Health.

National Institute for Occupational Safety and Health. "Work-Related Injuries and Illnesses Associated With Child Labor--United States." *Morbidity and Mortality Weekly Report* 45:446-64, 1996.

National School-to-Work Office. "School-to-Work and the Fair Labor Standards Act: A Guide to Work-Based Learning, Federal Child Labor Laws, and Minimum Wage Provisions. Washington, DC: National School-to-Work Office, 1995.

Oklahoma Department of Labor and the Oklahoma Department of Vocational and Technical Education. *Occupational Safety and Health Program.* Stillwater, OK: Oklahoma Department of Labor, 1994.

Oklahoma Department of Vocational and Technical Education. *Implementing a Local School-to-Work Partnership: Legal and Labor Considerations*, Module 12. Stillwater, OK: Oklahoma Department of Vocational and Technical Education, 1996.

Rynard, Thomas W. *Insurance and Risk Management for State and Local Governments.* New York: Times Mirror Books, 1991.

Sadgrove, Kit. *The Complete Guide to Business Risk Management.* Brookfield, VT: Gower, 1996.

Schneid, Thomas D. *Legal Liability: A Guide for Safety and Loss Prevention Professionals.* Gaithersburg, MD: Aspen Publishers, 1997.

Tremper, Charles Robert. *No Surprises: Controlling Risks in Volunteer Programs.* Washington, DC: Nonprofit Risk Management Center, 1993.

Trieschmann, James S. *Risk Management and Insurance.* Cincinnati, OH: Southwestern, 1998.

U.S. Department of Education and U.S. Department of Labor Office of School-to-Work Opportunities. *School-to-Work and Employer Liability: A Resource Guide.* Washington, DC: Office of School-to-Work Opportunities, 1997.

U.S. Department of Labor, Bureau of Labor Statistics. *The New Worker Factor Associated with Occupational Injuries and Illnesses.* Washington, DC: U.S. Government Printing Office, 1982.

U.S. Department of Labor, Bureau of Labor Statistics. *Occupational Injuries and Illnesses: Counts, Rates, and Characteristics.* Washington, DC: U.S. Government Printing Office, 1997.

U.S. Department of Labor Occupational Safety and Health Administration. *Training Requirements in OSHA Standards and Training Guidelines.* OSHA Publication 2254, 1998 Reprint forthcoming.

U.S. Department of Labor Occupational Safety and Health Administration. *Voluntary Protection Programs Policies and Procedures Manual.* Washington, DC: U.S. Government Printing Office, Revised 1996.

U.S. Department of Labor Occupational Safety and Health Administration. *Inspecting for Job Safety and Health Hazards*, OSHA Fact Sheet: 93-02.

U.S. Department of Labor Occupational Safety and Health Administration. *Farm Safety*, OSHA Fact Sheet 95-39.

U.S. Department of Labor Occupational Safety and Health Administration. *Improving Workplace Protection for New Workers*, OSHA Fact Sheet: 93-07.

U.S. Department of Labor Occupational Safety and Health Administration. *Job Safety and Health*, OSHA Fact Sheet: 93-01.

U.S. Department of Labor Occupational Safety and Health Administration. *Voluntary Safety and Health Program Management*, OSHA Fact Sheet: 91-37.

U.S. Department of Labor Wage and Hour Division. *Employment Relationship Under the Fair Labor Standards Act.* WH Publication 1297, Reprinted August, 1985.

U.S. Department of Labor Wage and Hour Division. *Unpaid School Work Experience Under the Fair Labor Standards Act.* Unnumbered Fact Sheet, October, 1996.

Vermont School-to-Work Risk Management Committee. *Vermont's School-to-Work Risk Management Guide.* Montpelier, VT: Vermont Department of Employment and Training, 1997.

Organizations

American Conference of Government Industrial Hygienists develops and disseminates technical information that can be applied to create and maintain a healthful and safe environment for workers and the surrounding community. 1330 Kemper Meadow Drive, Suite 600, Cincinnati, OH 45240, (513) 742-2020, Fax: (513) 742-3355, Internet: http://www.acgih.org/.

American Industrial Hygiene Association (AIHA) is a source for information on occupational and environmental health and safety issues. AIHA's more than 12,000 professional members are dedicated to the anticipation, recognition, evaluation, and control of environmental factors arising in or from the workplace that may result in injury, illness, impairment, or affect the well-being of workers and members of the community. 2700 Prosperity Avenue, Suite 250, Fairfax, VA 22031, (703) 849-8888, Fax: (703) 207-3561, E-Mail: infonet@aiha.org, Internet: http://www.aiha.org/.

American Society of Safety Engineers promotes the advancement of the safety profession and fosters the technical, scientific, managerial, and ethical knowledge, skills, and competency of safety professionals. Its 28,000 members manage, supervise, and consult on safety, health, and environmental issues in industry, insurance, government, and education. 1800 E. Oakton Street, Des Plaines, IL 60018, (847) 699-2929, Internet: http://www.nc-asse.org/who.html.

Children's Safety Network (CSN) is a unique group of resource centers working to assist states, communities, and others to prevent child and adolescent injuries. Education Development Center, Inc., 55 Chapel Street, Newton, MA 02158-1060, (617) 969-7100, ext. 2207, Fax: (617) 244-3436, Email: csn@edc.org, Internet: http://www.edc.org/HHD/csn.

Eastern Washington University Center for Farm Health and Safety works to develop understanding of the health and safety process and design programs that will help prevent injuries and illness in agriculture, including forestry and fisheries industries. Center for Farm Health & Safety, 526 5th Street, MS-38, Cheney, WA 99004, (509) 359-7995, Fax: (509) 359-6732.

Education Law Association (ELA) is a nonprofit, nonadvocacy group founded in 1954 to provide a forum for communication on current issues in education law. ELA publishes a variety of books, newsletters, and monographs and hosts regional conferences and an annual convention to promote the understanding of the legal framework of education and the rights of students, parents, school boards, and school employees. 300 College Park, Dayton, OH 45469-2280, (937) 229-3589, Fax: (937) 229-3845, E-mail: ela@udayton.edu.

National Institute for Occupational Safety and Health (NIOSH) was established by the Occupational Safety and Health Act of 1970. NIOSH is part of the Centers for Disease Control and Prevention (CDC) and is the federal institute responsible for conducting research and making recommendations for the prevention of work-related illnesses and injuries. NIOSH conducts research on teen work safety (including the magnitude and circumstances of youth work injuries) and funds demonstration projects testing community-based approaches to preventing teen work injuries. They are developing vocational education materials to teach teens about work hazards and their prevention, and have published documents for employers, parents, and teens on preventing youth work injuries. Hubert H. Humphrey Building, 200 Independence Avenue, SW, Room 715H, Washington, DC 20201, (202) 401-6995 or 1-800-35-NIOSH, Internet: http://www.cdc.gov/niosh.

Occupational Safety and Health Administration (OSHA). The mission of OSHA is to save lives, prevent injuries, and protect the health of America's workers. To accomplish this, federal and state governments work in partnership with the more than 100 million working men and women and their six and a half million employers who are covered by the Occupational Safety and Health Act of 1970. OSHA and its state partners have approximately 2100 inspectors, plus complaint investigators, engineers, physicians, educators, standards writers, and other technical and support personnel spread over more than 200 offices throughout the country. This staff establishes protective standards, enforces those standards, and reaches out to employers and employees through technical assistance and consultation programs. OSHA's Targeted Training Grants provide funding to address

unmet needs for safety and health training and education in the workplace. The program has three areas of emphasis: (1) educating small businesses; (2) training workers and employers in new OSHA standards; and (3) training in recognized high hazard areas. Awards have been made to safety and health organizations, employer associations, labor organizations, and educational institutions. Contact OSHA Office of Information and Consumer Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW, Room N3637, Washington DC 20210, (202) 219-8151. Internet: http://www.osha.gov/.

OSHA Consultation Service assists businesses in identifying and correcting occupational safety and health hazards. Over the last five years, OSHA's on-site consultation services conducted more than 100,000 free visits, helping employers correct 800,000 hazards. About 40 percent of these visits were with firms with fewer than 50 employees. Run by state government agencies, this service is available on request to help smaller more hazardous employers find out about potential hazards at their work sites and improve or implement effective work site safety and health. For the location of the Consultation Service in any state contact OSHA Office of Federal-State Operations, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington DC 20210, (202) 219-7251, or see OSHA's Internet site.

OSHA Publications Office distributes OSHA Fact Sheets and selected OSHA publications. (Some OSHA documents must be obtained through the Government Printing Office at (202) 512-1800.) Single free copies of documents available through OSHA can be requested by sending a self-addressed mail label with your request to: OSHA Publications Office, U.S. Department of Labor, 200 Constitution Avenue, NW, Room N3101, Washington, DC 20210, (202) 219-4667.

OSHA Training Institute offers courses open to the public on safety and health in general industry and in construction. Course subject matter emphasizes OSHA policies and standards as well as hazard recognition and hazard abatement techniques. Twelve education centers around the country offer training. For a list of centers and courses see OSHA's home page on the Internet or contact OSHA Training Institute, 1555 Times Drive, Des Plaines, IL 60018, (847) 297-4810.

OSH.NET is an Internet site made available by Jerry W. Robertson of Occupational Safety and Health Resources. The purpose of OSH.NET is to make a variety of Occupational Safety and Health information available on the Internet. Internet: http://www.osh.net/.

Walks of Life serves as an intermediary to develop service learning opportunities for students in four New York City Schools. Contact Jessica Arkin, Greater New York Hospital Association, 555 West 57th Street, New York, NY 10019, (212) 246-7100, Fax: (212) 262-6350.